

Notice of Allowability

Application No.

09/335,189

Applicant(s)

YUYAMA ET AL.

Examiner

Robert W. Morgan

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Board of Patent Appeals and Interference Decision mailed on 2/7/06.
2. ☒ The allowed claim(s) is/are 26-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☐ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Response to BPAI Decision

In the decision by the Board of Patent Appeals and Interferences (BPAI) mailed 2/7/06, the rejections of claims 26-31 were reversed. The following action is a response to the decision rendered by the Board of Patent Appeals and Interferences (BPAI) mailed 2/7/06. Claims 26-31 are pending in the application and are allowed.

Allowable Subject Matter

Claims 26-31 are allowed. The following is an examiner's statement of reasons for allowance:

Claim 26:

In the decision mailed 2/7/06, the Board of Patent Appeals and Interferences stated that the Examiner's reliance on the combined teachings of Halvorson and Kraslavsky et al. for a correlation between drug codes and drug data does not teach or fairly suggest "a correlation between the drug type codes and the printer codes" of Applicant's invention.

The closest prior art of record Halvorson and Kraslavsky et al. does not teach or fairly suggest, "altering means for altering said correlation between the drug type codes and the printer codes in response to a signal entered through said input device". More specifically, the prior art does not specifically teach or suggest, "a correlation between the drug type codes and the printer codes" (see: page 6, BPAI decision).

Because the prior art does not teach or disclose the above features in the specific manner and combinations recited in independent claim 26, and as further indicated by the Board of Patent Appeals and Interferences, claim 26, is hereby deemed to be allowable.

Originally numbered claims 27-31 are dependent on originally numbered claim 26, and therefore incorporate the allowable features of originally numbered claim 26, through dependency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

In related art (WO95/29455) Fillingane teaches a portable hand-held drug prescription printing apparatus and method.

In related art ("Network management (An issue companies can't ignore)") Tom Venetis discusses Markvision software that allows managers to manage print jobs at the file server and remotely change printer setting from a single console over a network.


The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure as background material and is not of particular significance. These prior art patents fail to teach or fairly suggest a drug preparation order system for use with a drug preparation order sheet including a correlation between the drug type codes and the printer codes.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (571) 272-6773. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

Art Unit: 3626

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert Morgan
Patent Examiner
Art Unit 3626


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER